

The Honorable S. Kate Vaughan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TSR LLC,

Plaintiff,

v.

WIZARDS OF THE COAST LLC,

Defendant.

No. 2:21-cv-01705-SKV

**STIPULATION REGARDING
DISMISSAL OF CERTAIN CLAIMS**

WIZARDS OF THE COAST LLC,

Counterclaim Plaintiff,

v.

TSR LLC; JUSTIN LANASA; and DUNGEON
HOBBY SHOP MUSEUM LLC,

Counterclaim Defendants.

**NOTED FOR CONSIDERATION:
MAY 28, 2024**

I. STIPULATION

Plaintiff/Counterclaim Defendant TSR LLC, through its Chapter 7 Trustee, and
Defendant/Counterclaim Plaintiff Wizards of the Coast LLC (“Wizards”), through its counsel,
hereby stipulate and agree as follows:

STIPULATION REGARDING DISMISSAL OF CERTAIN CLAIMS
(2:21-cv-01705-SKV) - 1
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1 1. On June 8, 2023, TSR LLC filed a Chapter 7 Petition in the United States Bankruptcy
2 Court for the Eastern District of North Carolina, Case No. 23-01577-5-DMW. On June 12, 2023,
3 John C. Bircher III was appointed Chapter 7 Trustee for TSR LLC (the “Trustee”).

4 2. On June 15, 2023, the present litigation was stayed pursuant to the bankruptcy automatic
5 stay, 11 U.S.C. § 362.

6 3. On April 5, 2024, the Trustee and Wizards entered into a settlement agreement pursuant
7 to which Wizards acquired from TSR LLC the trademarks at issue in this litigation, and the
8 Trustee agreed to dismiss with prejudice TSR LLC’s claims against Wizards in this litigation
9 (the “Settlement Agreement”). The Settlement Agreement further provides that TSR LLC and
10 Wizards shall bear their own costs and fees, including attorneys’ fees, with respect to TSR
11 LLC’s claims against Wizards.

12 4. Additionally, the Settlement Agreement provides that Wizards’ proof of claim in the TSR
13 LLC bankruptcy shall be an allowed, unsecured claim, which resolves Wizards’ counterclaims
14 against TSR LLC in this litigation. Accordingly, Wizards agreed to dismiss without prejudice its
15 counterclaims against TSR LLC in this litigation.

16 5. On May 13, 2024, the Bankruptcy Court granted the Trustee’s motion to approve the
17 Settlement Agreement.

18 6. Accordingly, TSR LLC and Wizards request that the Court dismiss with prejudice all of
19 TSR LLC’s claims against Wizards in this matter. TSR LLC and Wizards request that the Court
20 dismiss without prejudice Wizards’ counterclaims against TSR LLC in this matter.

1 STIPULATED TO AND DATED this ____ day of May, 2024.

2
3 DAVIS HARTMAN WRIGHT, LLC

4 By: 

5 John C. Bircher III
6 209 Pollock Street
7 New Bern, NC 28560
8 (252) 262-7055
9 Email: jcb@dhwlegal.com

10 *Chapter 7 Trustee for Plaintiff/Counterclaim*
11 *Defendant TSR LLC*

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By: /s/

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12 *Attorneys for Defendant/Counterclaim*
13 *Plaintiff Wizards of the Coast LLC*

STIPULATED TO AND DATED this 28th day of May, 2024.

DAVIS HARTMAN WRIGHT, LLC

DAVIS WRIGHT TREMAINE LLP

By: _____

By: /s/ Lauren Rainwater

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*Chapter 7 Trustee for Plaintiff/Counterclaim
Defendant TSR LLC*

*Attorneys for Defendant/Counterclaim
Plaintiff Wizards of the Coast LLC*

II. [PROPOSED] ORDER

The Court GRANTS the parties' stipulation as follows:

1. All claims asserted by TSR LLC against Wizards of the Coast LLC in this matter are dismissed with prejudice. Each party shall bear their own costs and fees with respect to TSR LLC's claims against Wizards of the Coast LLC.
2. All counterclaims asserted by Wizards of the Coast LLC against TSR LLC in this matter are dismissed without prejudice.

IT IS SO ORDERED.

Dated this _____ day of May, 2024.

S. KATE VAUGHAN
United States Magistrate Judge